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RICK D. NYDEGGER
WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111

EXAMINER

DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,766

Applicant(s)

GRAHAM, JOHN C.

Examiner

KAMAL B. DIVECHA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20010830</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: #234a and #220c of figure 2.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters “232b” and “232n” of figure 2 have both been used to designate “email service”.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “232n” has been used to designate both “other services” and “email services”.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, first, the language in the preamble of claim 1 is not a proper claim language. Secondly, the body of the claim recites the phrase “receiving a session identifier” and “receiving one or more packets”. It is unclear or an applicant fails to teach where the said services would have been received and who would have been the recipient.

- Claims 2-11 are rejected for the same reasons as above due to their dependency on claim 1.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 11- 13, 15, 19, 20, 21, 25, 26, 29-31, 36-40, and 45-47 are rejected under 35 U.S.C. 102(b) based upon the invention anticipated by Allard et al. (U.S. Patent No. 6,018,619).

As per claim 1, Allard et al discloses:

In a computer network that comprises one or more servers providing one or more services to at least one client (figure 1 block #20, #18, #10 and the communication link between them), wherein some access to the one or more services may incur an access charge and other access to the one or more services may not incur an access charge, and wherein the at least one client may terminate access to the one or more services in a variety of ways (column 7 lines 12-20), a method of tracking the at least one client's usage of the one or more services (see abstract), the method comprising acts of: receiving a session identifier associated with one or more sessions through which the at least one client accesses the one or more services provided by the one or more servers, the one or more sessions having been created in response to a login request from the at least one client (column 11 lines 49-61 and column 15 lines 63-65; figure 4B block #90, #97, #98, and #100 and column 5 lines 35-44); receiving one or more metering packets from the at least one client (figure 4A block #76; figure 5 block #110), wherein each of the one or more metering packets includes a time element indicating the client's usage of the one or more services (see abstract; column 14 lines 15-21); and updating a usage database based on the received one or more metering packets so that the usage database reflects the at least one client's usage of the one or more services provided by the one or more servers (figure 3 block #70; figure 4B block #108).

As per claim 2, Allard et al further discloses a method as in claim 1, wherein a plurality of metering packets are received over regular, periodic intervals (see abstract).

As per claim 3, Allard further discloses a method as in claim 1, wherein each of the one or more metering packets is one of a session-ending metering packet and a session-in-progress metering packet (column 11 lines 11-15 and column 14 lines 50-55).

As per claim 11, Allard further discloses a method as in claim 1, further comprising an act of sending one or more headers to the at least one client, wherein the one or more headers include **at least one of** (i) an indication that the at least one client should track usage of the one or more services provided by the one or more servers (column 5 lines 36-48 and column 6 lines 36-45), (ii) a unique session identifier, and (iii) a metering interval indicating how frequently the at least one client should send metering packets (see abstract and column 6 lines 22-35).

As per claim 12, Allard discloses:

In a computer network that comprises one or more servers providing one or more services to at least one client (figure 1 block #20, #18, #10 and the communication link between them), wherein some access to the one or more services may incur an access charge and other access to the one or more services may not incur an access charge, and wherein the at least one client may terminate access to the one or more services in a variety of ways (column 7 lines 12-20), a method of tracking the at least one client's usage of the one or more services (see abstract), the method comprising steps for: identifying one or more sessions through which the at least one client accesses the one or more services provided by the one or more servers, the one or more sessions having been created in response to a login request from the at least one client (column 5 lines 27-40); monitoring one or more metering packets that are received from the at least one client, wherein each of the one or more metering packets includes a time element (column 7 lines 50-67) indicating the client's usage of the one or more services (column 7 lines 36-39; figure 4A step #84 and figure 3 step #50); and tracking the at least one client's usage of the one or more services provided by the one or more servers based on the received one or more metering packets

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(column 6 lines 65-67 to column 7 lines 1-5; figure 2 item #40; figure 5 item #124 and column 9 lines 1-5).

As per claim 13, Allard further discloses a method as in claim 12 wherein plurality of metering packets are received over regular, periodic intervals, and wherein each of the one or more metering packets is one of session-ending metering packet and a session-in-progress metering packet (see abstract and column 16 lines 15-22).

As per claim 15, Allard further discloses a method as in claim 12 further comprising a step for enabling usage tracking in at least one of a configuration database and a database of clients (figure 2 block #46 and #48 and block #22 and 26; column 19 lines 53-59).

As per claim 19, Allard further discloses a method as in claim 12 further comprising a step for communicating one or more usage tracking parameters (column 5 lines 36-40) to the at least one client, wherein the one or more usage tracking parameters **include at least one of** (i) an indication that the at least one client should track usage of the one or more services provided by the one or more servers (column 5 lines 36-48 and column 6 lines 36-45), (ii) a unique session identifier, and (iii) a metering interval indicating how frequently the at least one client should send metering packets (see abstract and column 6 lines 22-35).

As per claim 26, Allard et al discloses:

In a computer network that comprises one or more servers providing one or more services to at least one client (figure 1 block #20, #18, #10 and the communication link between them), wherein some access to the one or more services may incur an access charge and other access to the one or more services may not incur an access charge, and wherein the at least one client may terminate access to the one or more services in a variety of ways (column 7 lines 12-20), a

method of tracking the at least one client's usage of the one or more services (see abstract), comprising: a communication means (figure 1) for receiving (i) a session identifier associated with one or more sessions through which the at least one client accesses the one or more services provided by one or more servers, and (ii) one or more metering packets from the at least one client, wherein each of the one or more metering packets includes a time element indicating the client's usage of the one or more services (figure 1 shows all the communications links; column 9 lines 49-50); usage means for tracking the at least one client's usage of the one or more services (column 5 lines 55-63; column 6 lines 65-67 to column 7 lines 1-5; column 9 lines 1-5 – session event); processor means for updating the usage means based on the received one or more metering packets so that the usage means reflects the at least one client's usage of the one or more services provided by one or more servers (column 12 lines 54-60 and algorithm of figure 3 executed in client system or smart client system).

As per claim 29, Allard further discloses a system as in claim 26, wherein the communication means (figure 1 shows one of the communication means) receives a plurality of packets over regular, periodic intervals, and wherein each of the one or more metering packets is one of session-ending metering packet and a session-in-progress metering packet (see abstract and column 16 lines 15-22).

As per claim 30, Allard et al discloses:

In a computer network that comprises one or more servers providing one or more services to at least one client (figure 1 block #20, #18, #10 and the communication link between them), wherein some access to the one or more services may incur an access charge and other access to the one or more services may not incur an access charge, and wherein the at least one client may

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terminate access to the one or more services in a variety of ways (column 7 lines 12-20), a method of tracking the at least one client's usage of the one or more services (see abstract), comprising acts of: sending a login request to a login service (figure 3 step #60); accessing, through one or more sessions created in response to the login request, at least one of the one or more services provided by one or more servers (figure 5 step #110, #126, #116, and #120); generating one or more metering packets, wherein each of the one or more metering packets includes a time element indicating the client's usage of the one or more services (figure 4A step #78 and column 7 lines 50-65; column 11 lines 48-67 to column 12 lines 1-2); and sending the one or more metering packets to a census service, wherein the census service updates a usage database based on the one or more metering packets so that the usage database reflects the at least one clients usage of the one or more services provided by the one or more servers (figure 3 step #74 and #70).

As per claim 31, Allard further discloses a method as in claim 30 wherein plurality of metering packets are generated and sent over regular, periodic intervals, and wherein each of the one or more metering packets is one of session-ending metering packet and a session-in-progress metering packet (see abstract and column 16 lines 15-22).

As per claim 37, Allard further discloses a method as in claim 30, further comprising an act of storing metering information in non-volatile memory (column 9 lines 57-60).

As per claim 38, Allard et al further discloses a method as in claim 37 further comprising an act of sending the stored metering information to the census service in a subsequent session (see abstract and column 9 lines 61-64).

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As per claims 20, 21, 25, 36, 39, 40 and 45-47, they do not teach or further define over the limitations in claims 1-3, 11-13, 15, 19, 26, 29-31, 37 and 38. Therefore, claims 20, 21, 25, 36, 39, 40 and 45-47 are rejected for the same reasons as set forth in claims 1-3, 11-13, 15, 19, 26, 29-31, 37 and 38.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-5, 32 and 41 are rejected under 35 U.S.C. 103(a) as being obvious over Allard et al. (U.S. Patent No. 6,018,619) in view of Dice (U.S. Patent No. 6,289,451 B1).

Allard et al discloses the limitations of claim 1 as set forth above.

However, Allard et al does not explicitly disclose:

As per claim 4, a method as in claim 1, further comprising acts of: receiving a session key associated with the one or more sessions; hashing at least a portion of each metering packet and the corresponding session key to generate an authentication element; and comparing the generated authentication element with a packet authentication element included with each metering packet to determine whether or not each packet is genuine.

Dice discloses a system and method for efficiently implementing an authenticated communications channel that facilitates tamper detection. Dice further discloses a means for

receiving the stored session key value from the session control portion (column 8 lines 38-62; column 9 lines 43-56; column 15 lines 42-43), a communication device generating a hash value from the augmented information packet (read as hashing portion of data and session key)(column 6 lines 53-65; column 15 lines 51-55), it also generates a session key which is encrypted and transferred to the other device (column 6 lines 30-52) and comparing the generated hash value to the hash value received in the message packet (column 10 lines 8-32; column 16 lines 47-49).

At the time of the invention it would have been obvious to a person of ordinary skilled in the art to incorporate the teaching of Dice as stated above with the system, method and apparatus for tracking clients usage of Allard for the purpose of receiving, hashing a session key (encrypting) and decrypting and comparing to determine the tampering of the packet.

The motivation for doing so would have been so that a secure communications system is created where communications would have been secured and also where privacy is ensured between the two parties (Dice, see abstract, column 1 lines 33-47 and column 4 lines 28-67 and column 5 lines 15-22; column 14 lines 23-25).

As per claim 5, Allard et al does not explicitly teach a method as recited in claim 5, further comprising acts of: retrieving an indicator from a configuration database indicating that usage should be tracked for all clients attempting to login; and retrieving an indicator from a database of clients indicating that usage should be tracked for the at least one client.

Dice discloses a system set forth above and he further teaches the session establishment (read as login service comprising request/response protocol) and protocol negotiating operation (column 6 lines 30-65). A message packet comprising the information packet and the hash value is received from a communication device (read as census service receiving one or more packets)

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(column 7 lines 8-15; column 16 lines 43-44). The message transfer portion is also used during the session establishment and protocol negotiation operation, in particular transferring the encrypted session key value (read as hash of session key) provided by the session control key portion to the other communication device (column 8 lines 51-55; column 15 lines 34-35).

At the time of the invention it would have been obvious to a person of ordinary skilled in the art to incorporate the teaching of Dice as stated above with the system and method of Allard in order to establish a session, generate a session key, hashing a session key and sending the hash to the server.

The motivation for doing so would have been so that a secure communications system is created where communications would have been secured and where privacy would have been also ensured between the two parties (Dice, see abstract, column 1 lines 33-47 and column 4 lines 28-67 and column 5 lines 15-22; column 14 lines 23-25).

10. Claim 32 is rejected under the same rationale as claim 4 (see above) and based on the Dice's teaching of storing (read as appending) each authentication element (hash of session key) in the corresponding metering packet (column 4 lines 32-36).

As per claim 41, it does not teach or further define the limitation in claim 32. Therefore, claim 41 is rejected for the same reason set forth in claim 32.

11. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being obvious over Allard et al (U.S. Patent No. 6,018,619) in view of Dietz et al. (U.S. Patent No. 6,651,099 B1).

Allard et al discloses all the limitations of claim 1 as set forth above.

As per claim 7, Allard et al does not explicitly disclose a method as in claim 1, wherein plurality of metering packets are received and wherein one or more of the plurality of received metering packets are redundant, the method further comprising acts of: prior to updating the usage database, searching a cache of at least one received metering packet; if a copy of a particular metering packet is found in the cache, identifying the particular metering packets as redundant and not updating the usage database based on the particular metering packet; and if a copy of the particular metering packet is not found in the cache, adding the particular metering packet to the cache and updating the usage database based on the particular metering packet.

Dietz et al explicitly discloses method an apparatus for monitoring traffic in a network. The method includes receiving a packet from a packet acquisition device and performing one or more operations. The method further includes looking up a flow-entry database (read as searching a cache; column 14 lines 35-37) containing flow-entries for previously encountered conversational flows (column 6 lines 48-49). The lookup uses the selected packet portions and determining if the packet is of an existing flow, if the packet is of an existing flow, the method classifies the packet as belonging to the found existing flow (read as redundant), and if a packet is of a new flow, the method stores a new flow-entry for the new flow in the database (see abstract) and updates a database after classifying (figure 3 step #316, #318, #328, #330, #332, #322 and #324; column 21 lines 7-14).

At the time of the invention it would have been obvious to a person of ordinary skilled in the art to incorporate the teaching of Dietz et al as stated above with the system and method of usage tracking of Allard et al for the purpose of searching, identifying a redundant packet, saving or adding a packet and updating a database.

The motivation for doing so would have been so that the processing speed of the packets is improved and also it would have eliminated the possibility of redundant conversational exchanges of packets (Dietz: column 3 lines 1-43; column 4 lines 42-67; column 6 lines 1-57).

As per claim 8, Dietz discloses a method as in claim 7 above wherein each metering packet comprises a session identifier element and a sequence number element (column 4 lines 45-47 and column 5 lines 6-9; column 13 lines 65-67), and wherein finding the particular metering packet in the cache is based on comparing the session identifier element and the sequence number element that are included with each metering packet (column 6 lines 55-57 and column 25 lines 29-33; column 24 lines 32-36).

At the time of the invention it would have been obvious to a person of ordinary skilled in the art to incorporate the teaching of Dietz et al as stated above with the system and method of Allard et al in order to perform a search for a packet.

The motivation or doing so would have been so that an efficient information identifying and searching method is implemented which would allow for fast lookups of entries in the database and to recognize further packets that are or may be part of the flow (Dietz: column 13 lines 8-36; column 14 lines 14-35).

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being obvious over Allard et al (U.S. Patent No. 6,018,619) in view of Nakamura (U.S. Patent No. 5,987,424).

Allard et al discloses all the limitations of claim 1 as set forth above.

As per claim 9, Allard et al does not explicitly disclose a method as in claim 1 wherein the time element comprises a charged time portion corresponding to some access to the one or

more services that incurs an access charge and a free time portion corresponding to other access to the one or more services that does not incur an access charge.

Nakamura explicitly discloses an accounting method and system for discounted communications charges wherein subscriber telephone set is not charged for the time information or the like in one embodiment (column 5 lines 10-20) and in other embodiment subscribers are imposed a communication charges for the period of time for which communication between subscriber and announcement apparatus has been performed (column 12 lines 16-23).

At the time of the invention it would have been obvious to a person of ordinary skilled in the art to incorporate the teaching of Nakamura as stated above with the system and method of Allard et al in order to impose access charge corresponding to one or more services and does not incur access charge for one or more services.

The motivation for doing so would have been so that the unnecessary access charges such as advertisement or announcement charges are avoided and the user or client will be charged for the critical services only (Nakamura: lines 5-55; column 5 lines 20-50).

As per claims 17, 34 and 43, they do not teach or further define over the limitations in claim 9. Therefore, claims 17, 34 and 43 are rejected for the same reasons set forth in claim 9.

13. Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being obvious over Allard et al (U.S. Patent No. 6,018,619) in view of Nakamura (U.S. Patent No. 5,987,424) and in further view of Dietz et al. (U.S. Patent No. 6,651,099 B1).

Allard et al in view of Nakamura discloses all the limitations of claims 9 and 1 as set forth above.

However, Allard et al in view of Nakamura does not explicitly disclose a method as in claim 9 wherein each metering packet further comprises (i) a packet type element, (ii) a sequence number element, (iii) a session identifier element, and (iv) a packet authentication element.

Dietz et al explicitly discloses a method and apparatus for monitoring traffic in a network. The method includes receiving a packet from a packet acquisition device and performing one or more operations wherein each metering packet further comprises (i) a packet type element (figure 17A item #1702), (ii) a sequence number element (figure 17B and column 13 lines 62-67), (iii) a session identifier element (figure 17B), and (iv) a packet authentication element (figure 17A item #1708).

At the time of the invention it would have been obvious to a person of ordinary skilled in the art to incorporate the teaching of Dietz et al as stated above with the method and system of Allard in view of Nakamura for including packet type element, sequence number, session identifier and authentication element in the packet.

The motivation for doing so would have been so that each packet is distinguished and securely transmitted across a channel wherein at the receiving end, the packet would have been compared with the other packets (Dietz: column 13 lines 8-36; column 14 lines 14-35).

As per claims 18, 35 and 44, they do not teach or further define over the limitations in claim 10. Therefore, claims 18, 35 and 44 are rejected for the same reasons set forth in claim 10.

As per claim 24, it is a combination of claim 9 and claim 10. Therefore, claim 24 is rejected for the same reasons set forth in claims 9 and 10.

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14. Claim 6 is rejected under 35 U.S.C. 103(a) as being obvious over Allard et al (U.S. Patent No. 6,018,619) in view of Dice (U.S. Patent No. 6,289,451 B1) and in further view of "official Notice".

As per claim 6, Allard et al disclose the method as in claim 5 above, wherein Allard does not explicitly show acts of: retrieving an indicator from a configuration database indicating that usage should be tracked for all clients attempting to login; and retrieving an indicator from a clients database indicating that usage should be tracked for the at least one client.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the limitation set forth above in order to retrieve an indication from the databases for completing a task.

The motivation for doing so would have been considered for the purpose of notifying or alerting the clients so that usage patterns of different services provided by the servers would have been tracked and a usage log would have been created at the clients machine improving efficiency of delivery system, increasing processing speed, and thereby improving overall throughput of the information system (Allard: column 2 lines 50-67; column 4 lines 47-67).

15. Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being obvious over Allard et al (U.S. Patent No. 6,018,619) in view of "official Notice".

As per claim 14, Allard et al discloses the method as in claim 12 above, wherein Allard does not explicitly show a step for authenticating the one or more metering packets and a processor means for authenticating the one or more metering packets.

However, it would have been obvious to a person of ordinary skilled in the art to incorporate the teaching above for the purpose of authentication.

The motivation for doing so would have been so that the packets are transmitted securely across the channel without getting it tampered by the intruder or third party and ensuring privacy at the same time.

As per claim 16, Allard et al disclose a method as in claim 12 wherein Allard does not explicitly show plurality of metering packets are received and wherein one or more plurality of received packet are redundant, the method further comprising a step for discarding the one or more of the plurality of received metering packets that are redundant.

It would have been obvious to a person of ordinary skilled in the art to include the above limitation in order to discard the redundant packets.

The motivation for doing so would have been so that the processing speed of the system is increased to improve the network latency and would have also increased the overall throughput of the client-server architecture.

As per claims 22, 23, 27, and 28, they do not teach or further define over the limitations in claims 14 and 16. Therefore, claims 22, 23, 27 and 28 are rejected for the same reasons set forth in claims 14 and 16.

16. Claims 33 and 42 are rejected under 35 U.S.C. 103(a) as being obvious over Allard et al (U.S. Patent No. 6,018,619) in view of Schuster et al. (U.S. Patent No. 6,170,075 B1).

Allard et al discloses all the limitations of claim 30 (see above).

However, Allard et al does not explicitly disclose a method as in claim 30, further comprising an act of sending redundant metering packets to the census service using a communication protocol that does not guarantee delivery.

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Schuster et al. explicitly discloses a method and apparatus for improving the speed and quality of end-to-end data or real-time media transmission over an Internet. The description of the related art in the disclosure suggests that User Datagram Protocol was known seven years ago (column 1 lines 35-46).

At the time of the invention it would have been obvious to a person of ordinary skilled in the art to incorporate the teaching as stated in the disclosure (Schuster: col. 1 lines 35-46) with the system and method of Allard et al in order to transmit or send the redundant packets to the server through UDP link.

The motivation for doing so would have been so that the network efficiency is improved by avoiding the acknowledgements of transmitted redundant packets or data and would have also improved network latency or delays by avoiding network congestions.

As per claim 42, it does not teach or further define over the limitation in claim 33. Therefore, claim 42 is rejected for the same reasons set forth in claim 33.

Additional References

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Barry et al. U.S. Patent No. 6,615,258 B1.
- b. Ravishankar et al. U.S. Patent No. 6,778,509 B1.
- c. Shimbo et al. U.S. Patent No. 6,092,191.
- d. Mao U.S. Patent No. 6,119,227.
- e. Paulsen et al. U.S. Patent No. 6,055,575.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on 9.00am-5.30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ZARNI MAUNG
PRIMARY EXAMINER